



Oct 2011
Volume 48 No. 9



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Bioneers is here!

Oct. 14-16

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SANTA LUCIAN

Protecting and Preserving the Central Coast



The official newsletter of the Santa Lucia Chapter of the Sierra Club • San Luis Obispo County, California

You've Come a Long Way, CCA



Sierra Club gets Community Choice into County's Climate Action Plan

The SLO County Planning Department released its draft "EnergyWise" plan – aka Climate Action Plan – last April. It lays out recommendations for the county to meet the statewide goal of reducing greenhouse gas emissions to the equivalent of 1990 levels by 2020, in addition to other energy efficiency, land use, transportation, water conservation and air quality goals.

Our comment on the public review draft of the plan was several pages long, but came down to this question: Where's Community Choice? The main tool for the creation of clean, local decentralized energy in California was missing from the 380-page plan.

California's Community Choice Aggregation law (CCA) lets cities and counties select their own electricity provider, prioritize renewable energy and encourage conservation without having to own the utility or the power lines. The Bay Area's Local Clean Energy Alliance spells it out: "Community Choice is a key vehicle for

There's No Such Thing as a Free Bag

Which is why you need to speak out on Nov. 9

The energy costs involved in manufacturing paper bags exceed the costs of making plastic bags. Plastic bags kill a million sea birds and marine animals a year. Southern California cities have spent in excess of \$1.7 billion in meeting Total Maximum Daily Loads for trash – primarily plastic bags – in impaired waterways. San Francisco spends \$8.5 million a year dealing with plastic bag litter, averaging out to 17 cents for each "free" bag distributed by stores in the city. Cities and recyclers spend incalculable amounts removing plastic bags from their recyclables stream, where they jam machinery and add to the manual labor costs of recycling.

This is why municipalities around the world have realized the benefits of banning single-use bags and encouraging the use of reusable bags.

All of the above was pointed out at the September 14 board meeting of the Integrated Waste Management Authority (IWMA) by the Sierra Club and representatives of Think Outside the Bag – formed by the students of Empower Poly Coalition – as San Luis Obispo's proposed single-use bag ban took another step toward reality. The board directed staff to bring back a tougher version of the proposed ordinance for a first reading in

November.

The IWMA draft ordinance had proposed a gradual phasing in of the ban, covering various business sizes and categories, and a charge to shoppers of five cents for a recyclable paper bag at point of purchase for those who don't bring their own

BAG continued on page 10

CCA continued on page 8

They Spill Your Milkshake

Sierra Club testimony puts spotlight on Conoco's oil lines

On September 1, Santa Lucia Chapter Director Andrew Christie addressed the Regional Water Board on the subject of remediation, treatment and monitoring at the site of a growing oil spill below Nipomo Creek. The spill is believed to have come from a decommissioned 8-inch Unocal pipeline, inherited by Conoco/Phillips. His testimony prompted board action on a potentially widespread water quality problem.

In the discussion that followed between Water Board members and staff, the board came to realize that A) there are oil transfer lines in proximity to creeks and water bodies throughout the central coast region, B) there is no monitoring whatsoever conducted on the inactive century-old oil lines that Conoco took over from Unocal, and C) staff has found "quite a few leaks" on these lines, but remediation after the fact has been the only way they've ever found out about them.

The Santa Lucia Chapter had previously written to Water Board staff express-



How many more? As Conoco began to clean up the Nipomo Creek crude oil leak, eight years after it was discovered, the Sierra Club pointed out to the Water Board that it's unlikely to be an isolated problem.

SPILL continued on page 10

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It's time for America to get smart about energy and be less dependent on dwindling oil reserves. We need to increase our use of clean, renewable energy sources like wind and solar power.

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Explore, enjoy and protect the planet

Mr. President, Do You Know Why Airbags Are in Your Car?

On our front page this month, we take note of the local version of national anti-regulatory fervor: chemical companies are reaching into SLO and trying to whip up opposition to a single-use bag ordinance ("There's No Such Thing As a Free Bag"). On page 9, in this issue's installment of "Taking Issue," we examine the most recent push to gut environmental protections in Sacramento in obedience to the conservative mantra "the economy's in bad shape to let's wreck the environment to save it." Last August, we pointed out in the local media just how wrong Congressional Republicans are when they push bills based on the belief that protecting the environment and public health is bad for the economy ("Worst. Bill. Ever.," *New Times*, Aug. 18; "Regulatory relief a false issue," *The Tribune*, Aug. 19).

Now we must point out to President Obama that adopting and catering to that mindset is a really bad idea.

On September 2, turning aside the science and downgrading government's obligation to protect public health, President Obama

told the Environmental Protection Agency to drop a proposed rule that would have significantly reduced smog and improved the quality of the air we breathe.

As a result, there will be no review of the currently permitted level of smog-generating chemicals emitted by industry until 2013.

And there was no getting around the other result of his decision. As the Sept. 2 *Los Angeles Times* reported: "The EPA estimates that up to 12,000 lives could be saved annually from heart attacks, lung disease and asthma attacks by implementing the new standards."

It was an early Christmas present for big polluters, who cheered lustily, as did their friends in Congress, the president's aforementioned opponents. "By putting the interest of coal and oil polluters first, the White House seems to be saying that 'clean air will have to wait,'" said Sierra Club Executive Director Michael Brune.

To the amazement of no one, the president's capitulation also increased the intensity of the pressure the calls by polluters and their friends for more and larger capitulations.

As reported by *Politico* on September 3, Rep. John Boehner spokesman Mike Steel "wrote that Friday's decision 'is certainly a good first step, and we're glad that the White House responded to the speaker's letter and recognized the job-killing impact of this particular regulation. But it is only the tip of the iceberg when it comes to stopping Washington Democrats' agenda of tax hikes, more government "stimulus" spending and increased regulations — which are all making it harder to create more American jobs.' The story went on to note that "House Majority Leader Eric Cantor last week announced plans to

hold votes this fall to repeal the administration's '10 most harmful job-destroying regulations,' including seven from the EPA."

Last issue ("Nothing Costs More Than a Bad Idea," Sept.), we answered the Republican "job killing" mantra with figures from EPA, and MIT studies of the actual impacts of environmental regulations, specifically air quality regulations. Those studies found that those impacts have been positive, greatly stimulating investment and creating jobs.

How nice it would be if the president had read those studies instead of the in-house reports brandished at him by lobbyists. It would be nice if he had not played into opponents' narrative that public health and environmental regulations are at odds with jobs and the economy, pulling the rule at the last minute in the face of intense political pressure.

Or as MoveOn.org put it, "President Obama repeated discredited tea party talking points about environmental rules costing jobs." This was the fig leaf the administration tried to use to

cover its action — the idea that it was seeking to save the fragile economy from burdensome regulations. And it won't pass muster. Nine CEOs from companies that would have been the most affected by the new ozone rule supported it, writing: "Contrary to the claims that the EPA's agenda will have negative economic

consequences, our companies' experience complying with air quality regulations demonstrates that regulations can yield important economic benefits, including job creation, while maintaining reliability."

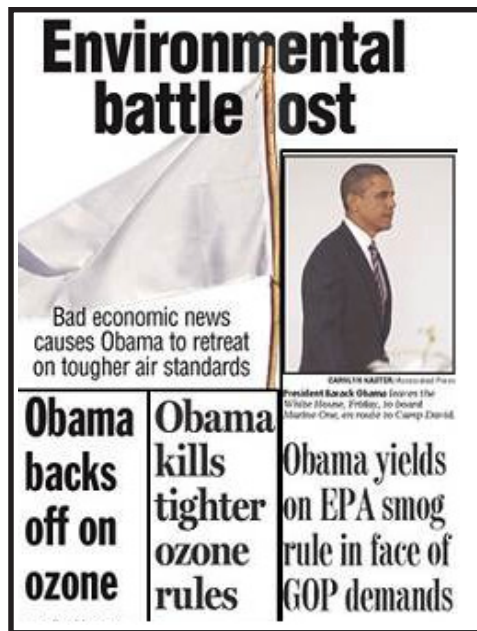
Such candor is rare. It would have been nice if the president had taken heed, or given some sign that he is aware of the much more common response from industry historically, and that the lack of eagerness to comply with a new regulation has always manifested as promises of economic apocalypse. Delay has always been sought, and always been wrong.

Consider the airbag.

We've heard this song before

Airbags were invented in 1952. But not until 1965, when Ralph Nader wrote *Unsafe at Any Speed*, was Congress prodded into passage of the Highway Safety Act and the National Traffic and Motor Vehicle Safety Act, authorizing the federal government to set and regulate standards to reduce motor vehicle-related injuries and deaths.

To that end, in 1969, the Department of Transportation proposed a "passive restraint" requirement—a system not dependent on the occupant of the vehicle remembering to fasten her seat belt. Chrysler and Ford promptly filed lawsuits challenging



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The Santa Lucian is published 10 times a year. Articles, environmental information and letters to the editor are welcome. The deadline for each issue is the 11th of the prior month.

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Printed by University Graphic Systems

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Calling the Corporate Question

Why are we ruled by immortal, all-powerful giants, and how can we make it stop?

Have you been wondering lately how it is that members of Congress can consistently vote for overwhelmingly unpopular proposals and attack wildly popular programs and still apparently feel secure about their prospects for reelection?

One likely answer: oceans of cash, provided in unlimited quantities by the very small number of very wealthy entities whom their votes serve. Those would be limited liability transnational corporations, legal fictions whose sole purpose is to produce a profit for shareholders. That license to inject unlimited cash into our political system to achieve the ends of those legal fictions was granted by the Supreme Court's 2010 decision in the case *Citizens United v. the Federal Election Commission*.

That was one of the reasons why Attorney David Cobb was in SLO on September 14 for a public meeting sponsored by Progressive People of the Central Coast, the SLO County Green Party and the Santa Lucia Chapter of the Sierra Club, a stop on his national organizing tour for "Move to Amend."

The other reason was the foundation for the Court's ruling: another Supreme Court decision from 1886 – *Santa Clara County v. Southern Pacific Railway* — that whimsically decided the 14th amendment's guarantee of equal rights to all citizens -- meant to enfranchise freed slaves -- applied to corporations. This was the strange birth of corporate personhood.

Cobb started off with two simple statements to the standing-room-only crowd: "There is nothing wrong with righteous political rage," and "I promise to tell you the truth."

This, he said, would "help us figure out the situation we're in and will



Spelling it out David Cobb spread the word to a packed house at the Ludwick Community Center in SLO on September 14: we must divest corporations of their ill-gotten Constitutional personhood.

determine the strategies we should use."

In 1789, when the newly constituted United States ratified its Constitution, "we the people" referred to about seven percent of the actual adult population of the country, excluding the non-white, non-male, non-property owning residents whom the Constitution did not consider to be legal persons.

Since then, and especially since the late 19th century and the improbable leap of corporations into the role of legal persons with Constitutional rights, things have not been looking good for the sovereign people of our allegedly free nation.

For two hours, like a meticulous prosecutor, Cobb made the case that corporate personhood is not just a handy extra tool that corporations make use of to expand their power or wield additional influence; it's the source of the problem.

The audience wanted to know if depriving corporations of their personhood would affect small businesses. Cobb pointed out that the Fortune 500 is a net loser/exporter of jobs; that it is small and medium-size businesses that are actually making the country run, and they're not the

ones claiming Constitutional rights. That claim has been the sole province of transnational corporations, and the assumption of that right is the reason why their lawyers can and do go into courtrooms to overturn laws.

"Here's the point," said Cobb: "Corporations claiming Constitutional rights or corporate personhood is not just a stupid idea, which it is; it's not just a legally and logically indefensible idea, which it is; corporate Constitutional rights are a lynchpin for how the ruling elite have hijacked our government. They have hijacked our legal system. They have turned our own systems against us, and we are left to argue amongst ourselves.... We have consumer choices, but we never get to participate in a meaningful way in creating the democratic republic that we were

promised."

That's why in 2009, as the Supreme Court was deliberating on *Citizens United*, Sierra Club Chairman Carl Pope noted with interest that "newly arrived Justice Sonya Sotomayor raised openly from the bench, for the first time in decades, the question of whether the original corporate personhood cases like *Santa Clara* were rightly decided. If the Court overreaches in this case, it may find that it has done the thing that Bob Dole used to say was always the worst error you could make in politics – to kick a sleeping dog."

Here's hoping.

To join the movement for a Constitutional amendment to strike down corporate personhood or help organize a SLO County chapter of Move to Amend, go to www.movetoamend.org.

Can See Canyon be Saved?

On August 25, the County Planning Commission deliberated for a second time on a proposed 84-acre subdivision on See Canyon Creek in the Avila Valley.

For the second time, the Sierra Club joined concerned neighbors in weighing in on the "Negative Declaration" -- a once-over-lightly environmental review that is normally accorded to projects on sites that are of such low biological value that their development is likely to have no or very minor impacts on wildlife and habitat. For the See Canyon subdivision, the County has issued a Negative Declaration for a project requiring the clearance of Coastal oak woodlands, situated on a steelhead creek, within likely habitat for the endangered California red-legged frog.

Central Coast Salmon Enhancement said of the project: "Over and over, we see flood plain degradation in our local waterways because of the incremental taking of an already stretched groundwater supply that CEQA cannot readily address due to its nature of being limited to evaluating impacts to existing conditions and not to evaluating slowly degrading conditions that occur project by project."

Commissioners were dubious about the claim that 200-year-old oaks can be replaced by 240 saplings. Steve Johnson of the Avila Valley Advisory Council pointed out that what the applicant's representative, John Wallace, termed a "refuge area" at the corner of Pippin Lane and See Canyon Road is in fact "a bare corner. It is bare land."

Wallace's response to the fact that oaks had been cut illegally in a previous subdivision of the site was to point out that ever earlier builders had "cleared the whole canyon in the 19th century." (Note to development consultants: it's a bad sign when you ask planning commissioners to ignore more than 100 years

Dunes to Dust

When it comes to cutting down on the dust from the Oceano Dunes, method matters

At a September 7 workshop in Grover Beach, the Air Pollution Control District previewed the results of its study of pilot projects designed to reduce hazardous dust emissions from the Oceano Dunes State Vehicular Recreation Area.

The APCD, California Department of Parks and Recreation and the County are under pressure to bring the air quality adjacent to the dunes and over the Nipomo Mesa into compliance with allowable levels of particulate matter (PM) pollution. The mesa currently has the worst air quality in the county due to the huge dust plumes coming out of the ODSVRA.

The study will serve as the basis for a Fugitive Dust Rule, giving the APCD authority to enforce pollution levels, with substantial financial penalties levied if those standards are violated.

Under questioning from members



of the public, researchers stated that the pilot project study, conducted by the Desert Research Institute, found that twice as much dust comes from the riding area than the portions of the dunes closed to vehicles. In 2009, an APCD particulate matter study had found that offroad vehicle activity on the Oceano Dunes is a significant contributing factor to the high levels of airborne particulate matter impacting air quality and public health on the Nipomo Mesa.

Researchers admitted that the new study – of much briefer duration and

A Visit with EldrBill

by Steven Marx, Chapter Treasurer



There's a lot for an environmentalist to feel hopeless about these days, from calls for the militarization of the Arctic Ocean as a response to the melting polar icecap to the prospect of our local chapter of the Sierra Club running out of money. So I decided to take a little trip to Nipomo to express a Treasurer's appreciation to a donor whose generosity has been so important to our Chapter, and also to get my spirits raised.

"Bill's Farm" looked no worse for wear since the last time I stopped by three years ago. I noticed an ancient carriage almost hidden by the gaggle of bicycles kept here for the use of his hostel visitors from all over the world and the array of solar panels on the roof setting off the "No Diablo" sign by the corner of the house.

I was welcomed by a high, ringing voice, and once inside surrounded by walls and tables completely covered with pictures and clippings. On the counter was a half-empty quart bottle of beer next to another one full of milk.

"Just did the goats," giggled the man with flowing white hair, cascading beard, cabled arms and frighteningly tough legs swathed in short-shorts.

"I love goat's milk," I said, "reminds me of my days on an old homestead in British Columbia."

"Take it," he answered, "and that dozen eggs from my chickens."

"Bill, I came to say thanks," I replied, "and here you keep giving me more."

The phone rang and he spoke briefly to someone about the *Santa Maria Times* article on the table that reported his \$500 environmental award to the graduating High School Senior who'd volunteered in the Nipomo Native Garden and was now heading for UCSB.

"These young people inspire me," he said. They're our only hope. I'm 86 and starting to lose it, but they carry the torch. Here's another one of my heroes," he declared, pointing to a picture of Jordan Hasay: "While I was doing a triathlon a couple of years ago and just ready to throw in the towel, she came up behind me. 'You can make it,' she said, 'just keep going.' And she was right."

Then here's Virginia Souza, the President of the Natural History Museum in Santa Maria. "It's tiny, but she just hosted an event there for the Chamber of Commerce which brought out forty people. In Santa Maria! She was a biology student of mine way back when. I introduced her to the idea of ecology. Here's an award for the 40th anniversary of Earth Day she gave me last year."

"And this is my woman's wall," he



said with a sweep of his arm. Next to the fridge, pictures and articles about Barbara Boxer, Lois Capps, Hilda Zacarias, Lisa Jackson, the Dixie Chicks, Sonia Sotomayor, Ruth Coleman, Marion Jones, Steph Brown and Kathy Goddard Jones.

"I remember your Dad, Henry," Bill chuckled. "He used to tell me how the dunes were 'so sensual.'"

That must have been 20 years ago, when my father was just about Bill's age now. "How old are you?" he asked.

"Sixty nine," I answered, "just retired."

"My sixties were my best decade," said Bill. "Learning how to appreciate things because the end was in sight, but still capable."

He brought over a stack of post-cards and said, "here, take a few." The top one was a photo of a sand dune gracefully curved against the sky. Running up it was a black lab next to

a perfectly formed naked young woman.

"I've worked to save those Dunes and Point Sal for fifty years," he said. "From a nuclear power plant, from a

coal-fired power plant, from a housing development. And now they're safe in perpetuity, since the SLO Land Conservancy just purchased the last developable property. Let's go out back."

We passed his desktop computer surrounded by magazines and books, where Bill composes his *Nipomo Free Press*, an e-mail newsletter that includes commentaries on the latest news and on long-term issues as well as responses from his readers—precursor of the blog. We talked of another hero, writer and 350.org organizer Bill McKibben, who was sitting in a Washington jail after leading a protest against approval of the Keystone XL tar sands pipeline.

We passed the chickens scratching in the sand, the empty pigpen—the pig was in the freezer—and the goat corral. He nimbly climbed over a high gate into an overgrown orchard of apple and tangelo trees heavy with fruit that I sampled and picked. "I just can't keep these up any more," he said with a twinkle. "Don't get old."

On my way back to the car, weighted down with eggs, milk and fruit, I felt lightened. Instead of dreading yet another meeting to discuss grant applications, budgets, and liability insurance, I was eager to share Elder Bill's harvest with the volunteers at the potluck that night.



Calling All Sierra Club Members: Protect the Arctic National Wildlife Refuge!

Comments on draft plan due November 15

by Sierra Club Alaska Chapter

We've waited more than fifty years for this moment: the chance to permanently protect the coastal plain of the Arctic National Wildlife Refuge as wilderness.

We need every American to get behind protecting America's most iconic wilderness. The Arctic Refuge is about its unique wildlife, wilderness and recreational values, not its development potential. Oil and gas drilling in the Arctic Refuge would harm the unique wildlife and wilderness even as the region faces global warming. Once this wilderness is destroyed, it's gone forever.

But even now, Big Oil wants to drill in the coastal plain and change this magical place forever. Take this historic opportunity to protect the wildlife and wilderness of the Arctic Refuge.

The U.S. Fish and Wildlife Service (USFWS) just released a draft revised Comprehensive Conservation Plan (CCP) for the Arctic Refuge. It is an important milestone in that USFWS is formally considering a Wilderness designation for the Refuge's Coastal Plain – the biological heart of our nation's iconic wilderness.

Write your comment to USFWS urging it to recommend a wilderness designation for the Arctic Refuge's Coastal Plain to protect it from oil and gas development.

Submit your comment:

- by email to ArcticRefugeCCP@fws.gov

- by fax to 907-456-0428

- by mail to:

U.S. Fish and Wildlife Service

Arctic NWR - Sharon Seim

101 12th Ave., Rm 236

Fairbanks, AK 99701

Suggested language, but please personalize it:

Subject: Comprehensive Conservation Plan: Designate the Arctic National Wildlife Refuge's Coastal Plain as wilderness

Dear U.S. Fish and Wildlife Service Director Dan Ashe,

I urge you to recommend a wilderness designation for the Coastal Plain of the Arctic National Wildlife Refuge in order to permanently protect America's greatest wild treasure from oil and gas development.

Already the warming Arctic is threatening the region and its wildlife so it is our job to defend the biological heart of the Arctic Refuge, its coastal plain. By protecting the Refuge we ensure critical habitat for caribou, polar bears, grizzly bears, musk oxen, Dall sheep, wolves, wolverines, and birds from all 50 states.

We cannot hand this wildlife refuge over to Big Oil. Drilling in the Arctic Refuge will not lower today's gas prices or solve our energy crisis; it would only prolong it. Any oil drilling in the Arctic Refuge will disrupt and harm the fragile ecosystem and wildlife the USFWS Refuge system is supposed to protect.

Recommend Alternative C for a wilderness designation for the coastal plain. This is critical to keep this wildlife and wilderness icon protected for this and future generations.

Sincerely,
YOUR NAME HERE

Thank you for taking action to protect this special place. To find our more information and stay in touch, please visit www.chillthedrills.org or 'like' us on Facebook, www.facebook.com/chillthedrills



Sacred Sites Peacewalk for a Nuclear-Free World

October 22 - November 6: Diablo Canyon to Sogorea Te/Glen Cove, Vallejo, California

by San Luis Obispo Mothers for Peace

With Buddhist nun, Jun-san, we plan a two-week interfaith peace walk from the Diablo Canyon nuclear power plant near San Luis Obispo to the Bay Area. With the tragedy of Fukushima in our hearts, we will walk 15-18 miles a day looking into the safety of land and people along our route, the still-present danger of nuclear weapons, the poisonous nuclear fuel cycle and how to end the nuclear nightmare in California and worldwide.

The Diablo Canyon plant defiled a site sacred to the Chumash people, reminding us of our unresolved history. Native lands still bear the brunt of toxic mining and waste disposal that mark the nuclear industry. The walk ends at an indigenous sacred site of true power, consecrated by years of struggle to protect it from development.

We expect participation of Native elders and activists, Buddhist monks, Japanese people affected by Fukushima, and citizens who have worked for decades to expose nuclear danger and find alternatives to nuclear power. We will learn from each other and from communities along the way. Everyone is welcome to join for an hour, a day or a week. No alcohol, drugs, or weapons.

We need help with lodging, food, organizing local community events, modest expenses, media/communications, and shuttle-transport.

Sponsors: San Luis Obispo Mothers for Peace; Indian People Organizing for Change (organizers of the Shellmound Walks in the Bay Area and a successful 110-day vigil to protect the sacred site at Sogorea Te/Glen Cove); Nipponzan Myohoji Buddhist Order.

Website: www.CAnuclearwalk.com

Contact: Louise Dunlap, louise@undoingsilence.org, 510-450-0651 (land); Johnella LaRose, 510-734-7373 (cell).

Links:

www.mothersforpeace.org

www.ipocshellmoundwalk.intuitwebsites.com

www.protectglencove.org

www.dharmawalk.org/junsan1.htm

Walk Schedule


10/22 (Sat)	Diablo Canyon gates (Avila)—San Luis Obispo
10/23 (Sun)	San Luis Obispo—Morro Bay*
10/24 (Mon)	Santa Margarita—Paso Robles
10/25 (Tues)	Paso Robles—Camp Roberts*
10/26 (Wed)	Gonzales(?)—Salinas
10/27 (Thurs)	Salinas—Watsonville
10/28 (Fri)	Watsonville—Santa Cruz
10/29 (Sat)	Rest Day
10/30 (Sun)	Santa Cruz—San Jose*
10/31 (Mon)	San Jose—Mission San Jose
11/1 (Tues)	Mission San Jose—Livermore*
11/2 (Wed)	Livermore—Hayward*
11/3 (Thurs)	Hayward—Oakland
11/4 (Fri)	Oakland—Berkeley
11/5 (Sat)	Berkeley—El Sobrante
11/6 (Sun)	El Sobrante—Sogorea Te (Vallejo)

*shuttle

Join us for all or part of this journey. Bring sleeping gear, water bottle, plate & fork, a good heart and good walking shoes, but *please* travel light. Most first-week stay-places are accessible to Amtrak.

If you are joining on the first day, please arrive on Friday night so we can start our opening ceremony first thing in the morning

www.CAnuclearwalk.com



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search: "Santa Lucia" and become our friend!

Mark Your Calendars

The annual benefit for the Santa Lucia Chapter, our popular "Celebration of Environmental Literature, Music and Art," will take place at the Masonic Temple in downtown SLO on **January 28, 2012**.

Local authors will give readings from their published works.

Our featured reader: Catherine Ryan Hyde

The author of *Pay It Forward* will be reading from her new unpublished novel and present a multimedia show of photographs and films that she's taken while hiking, canoeing and kayaking around the County and in National Parks.

Plus: good food, great music, and an art exhibit and sale of superb local landscape paintings.

Admission \$75, \$35 students.

Members: watch this space & your e-mail for notification when tickets go on sale.



On the trail Catherine Ryan Hyde will be joining us in January.

Dust

continued from page 3

using a smaller sample size than the 2009 study – did not evaluate whether dust emissions varied by the number of vehicles present or their speed.

40 = 90?

The data developed in the pilot project study showed that the use of hay bales reduced the rate of sand transport from the dunes between 40 and 70 percent, whereas vegetating the dunes reduced sand transport 95 to 99 percent — effectively resulting in zero fugitive dust. But the study's

conclusion implied that the two measures are essentially equivalent, stating that either "is an effective way to reduce sand movement, and the accompanying dust emissions at Oceano Dunes."

Pressed by residents on whether the

District would consider ordering the dunes closed to vehicles if the ODSVRA continued to fail to attain state mandated air quality levels despite emission control measures, APCD Director Larry Allen replied "Nothing is off the table. We're

looking at all the options that are out there."

APCD staff presented the study to their Board at its September 28 meeting, discussing the approach and concepts of the draft Fugitive Dust Rule, which is scheduled for Board adoption later this year. Both the Final Report on the Oceano Dunes pilot projects and APCD's draft Fugitive Dust Rule are available on APCD's website, www.slocleanair.org.

The Air Pollution Control District is conducting neighborhood monitoring during spring wind season so enhance understanding of the particulate matter impacts from the Oceano Dunes. They are looking for volunteers to allow siting of monitors on their property.

To volunteer your property to be screened, contact the APCD at 781-5912 or email info@slocleanair.org.

Call for Candidates

In November, Chapter members will vote for the candidates who will lead the Santa Lucia chapter on its Executive Committee in 2012.

We encourage our members to run for the ExCom and become a part of the dynamic action of Sierra Club leadership on energy, global warming, air, water, wildlife and land use issues.

The ExCom meets in December to appoint the chair, vice-chair, secretary and treasurer, as well as program, conservation and outings chairs.

We also appoint a delegate to the Council of Club Leaders, a liaison to the national Sierra Club.

Candidates are elected for a term of three years. Deadline for nominations is **October 12**. Submit to the Sierra Club Office at sierraclub8@gmail.com.

the Central Coast Bioneers hosts

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SLO Seed
Exchange**

Free Educational Event
organized by
community gardeners

Saturday October 15
4 to 7 pm

at the Vet's Hall in SLO—
Monterey & Grand Streets

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for more information call 543-5364

Your Elected Officials

County Board of Supervisors, Room 370, County Government Center, SLO 93408. Phone: 781-5450; fax: 781-1350. sbaker@co.slo.ca.us

Gov. Jerry Brown, State Capitol Building, Sacramento, CA 95814. Phone: (916) 445-2841; fax: (916) 445-4633. governor@governor.ca.gov www.governor.ca.gov

CA Sen. Sam Blakeslee, 605 Santa Rosa St., Suite B, SLO 93401. Phone: 549-3784; fax: 805-549-3779.

CA Assemblymember Katcho Achadjian 1150 Osos St., Suite 207, SLO 93401. Phone: 549-3381; fax 549-3400.

U.S. Rep. Lois Capps, 1411 Marsh St., SLO 93401. Phone 546-8348; fax 546-8368. www.house.gov/capps

U.S. Sen. Dianne Feinstein, 1 Post St., Suite 2450, San Francisco, CA 94104. Phone (415) 393-0707; fax (415) 0710. www.senate.gov/~feinstein

U.S. Sen. Barbara Boxer, 1700 Montgomery St, Suite 1748, San Francisco CA 94111. Phone (415) 403-0100; fax (415) 956-6701. www.senate.gov/~boxer

President Barack Obama, The White House, 1600 Pennsylvania Avenue NW, Washington, D.C. 20500. Phone (202) 456-1414; fax (202) 456-2461. president@whitehouse.gov www.whitehouse.gov

Canyon

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of planning standards in order to approve your client's project.)

Several bridges previously built on the site in violation of the County building code were made part of the package with the proposed subdivision, meaning this project, if approved, would resolve prior code violations. That particular hat trick -- "give us our permit and then we'll fix the violations" -- is one that county supervisors have rejected when attempted

with other projects (see "Toro Creek Triumphant," Nov. 2008).

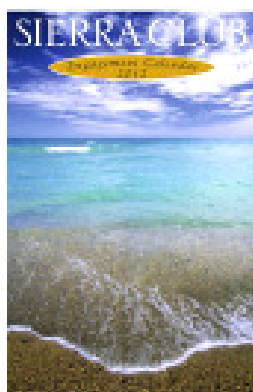
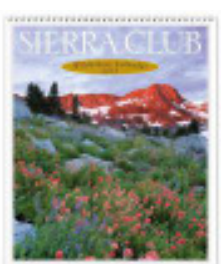
Faced with a welter of problems, planning commissioners directed staff to shrink a 20-acre lot to eliminate the future possibility of more subdivisions; limit development of the building envelopes to 100 feet from the edge of the riparian corridor; clarify the number of trees proposed to be removed; define the difference, if any, between "disturbance" and "grading;" and require long-term oak tree monitoring. Another hearing was scheduled for September 29.

At press time, the Commission has yet to address issues raised by the Sierra Club regarding cumulative impacts and the degree to which the Commission can change the terms of the Negative Declaration without public recirculation of the document.

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Air Bags
continued from page 1

the requirement. They cried poverty and the imminent death of their industry, collapsing under the burden of impossible, odious regulations. Henry Ford II and Lee Iacocca asked President Nixon for more delay in implementing the requirements, and got it. Still more delays were granted by compliant federal regulators.

By 1977, the National Highway Traffic Safety Administration estimated that passive restraints could prevent approximately 12,000 deaths and more than 100,000 serious injuries annually.

After the requirement that cars be equipped with passive restraint systems was finally imposed, it was amended, rescinded, re-imposed, and rescinded again. In 1983, the Supreme Court stepped in and declared, in *Motor Vehicle Mfrs.*, that the lower court had “acted arbitrarily and capriciously in revoking the requirement ... that new motor vehicles produced after September 1982 be equipped with passive restraints to protect the safety of the occupants of the vehicle in the event of a collision.... The [National Traffic and Motor Vehicle Safety] Act was necessary because the industry was not sufficiently responsive to safety concerns.”

Justice Byron White, writing for the majority, observed that “for nearly a decade, the automobile industry waged the regulatory equivalent of war against the airbag and lost.”

But it wasn't until 1998 that common sense actually won the day in dealing with the leading cause of accidental deaths and injuries in the United States, and all new cars were required to be equipped with airbags and automatic seat belts.

By that 1977 NHTSA estimate, 384,000 people had to die between the passage of the Act in 1966 and the end of the auto industry's delay tactics.

Getting it exactly wrong

Measured in dollars instead of lives, the president's ozone rule decision was still wrong.

The September 2 edition of *The Hill* noted that “The White House decision to scuttle EPA's plan followed immense pressure from industry groups such as the U.S. Chamber of Commerce, The Business Roundtable, the National Association of Manufacturers and several oil industry groups.”

On September 4, The Center for

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Logos for: EcoLogistics, LocalTree, Green with a Side of Energy, Alora, NCCREIF, HIND, SCARPOWERS, and others.

Come by the Sierra Club table and sign up to get labeling of GE foods on the California ballot in 2012!

Business owners: Come sign the statement of support for National Marine Sanctuary designation for the Central Coast!

MONTEREY BAY NATIONAL MARINE SANCTUARY BORDER EXPANSION

Support protecting the waters, seafloor, and wildlife of San Luis Obispo.

Economic and Policy Research blogged: “A study by Charles Rivers Associates suggests that the main impact of the regulation would be to hasten the replacement of old polluting power plants. This could help to create jobs in the private sector in the next few years, a period in which all projections show that the economy will still be suffering from substantial unemployment.”

In other words, “if Obama was interested in an action that he could take unilaterally that would create jobs, supporting the EPA on the ozone restrictions probably would have topped the list. In nixing the regulation, Obama went the job killing route.”

President Obama should do himself

and the country a favor and steer his browser to crywolfproject.org to peruse the catalogue of “statements throughout history by industry associations, politicians and media that falsely predicted economic disaster if health, safety, and environmental protections became law, [along with the] evidence that shows they were wrong and that the reforms had positive impacts.”

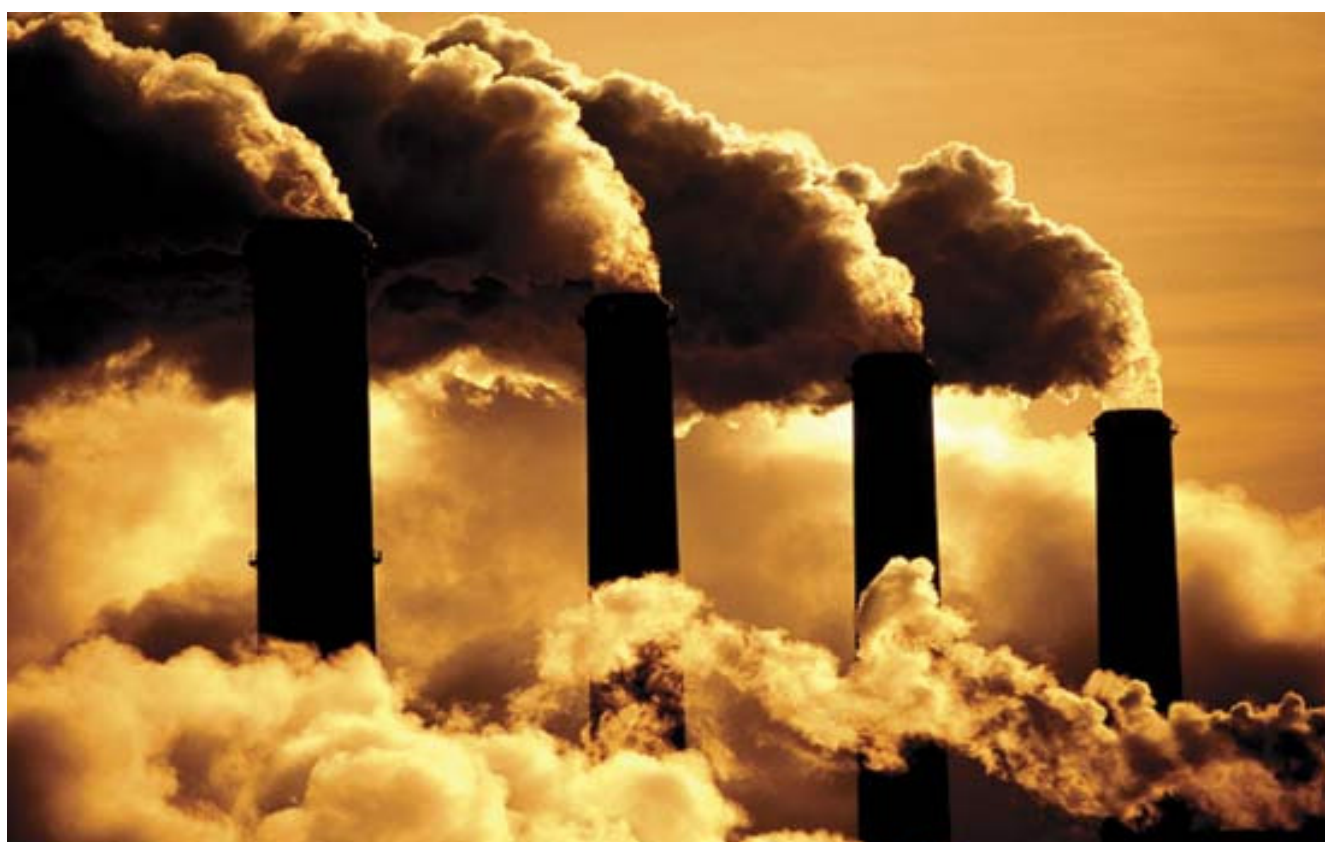
Last May in the *L.A. Times*, Cry Wolf project director Donald Cohen went down the list of California “job-killer” bills that has been released annually by the California Chamber of Commerce since 2003.

Cohen engaged in the exercise to “evaluate whether the organization was providing honest analysis or

engaging in scare tactics.” From the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) to paid family leave, increases in the minimum wage and tax hikes on high-income residents, Cohen found that reality turned out to be the opposite of the Chamber's predictions of fleeing businesses and economic collapse: implementation of the regulations meant more jobs were created, employee turnover was reduced and the number of millionaires in the state increased. Prop. 65, in its first six years of existence, resulted in the equivalent of “100 years of progress [by federal standards] in the areas of hazard identification, risk assessment and exposure assessment,” per the California Environmental Protection Agency.

As the *New York Times* summarized the results of a Times/CBS News poll released on September 15, Americans are “more eager to see the president get tough than Mr. Obama and his conflict-averse team realize,” and “do not buy the endless calls for slashing spending and reckless deregulation.... He should not worry about voters thinking he is being mean. What he should worry about is that he is not showing them that he is fighting all out for their interests.”

The Sierra Club is calling the Obama administration to account for its failure to use the authority of the Clean Air Act to protect public health, clean air and kids. We are holding a series of large tele-town halls with women in Michigan, Ohio, Pennsylvania and elsewhere. The president has to get the message that he must stand firm on actions such as finalizing the Mercury/Air Toxics standard for power plants and defending the Cross State Air Pollution rule. He cannot afford another bad call as bad as the call he made on the ozone rule. Nor can the environment, the economy, or the American people.



CCA

continued from page 1

local energy resource development, economic growth, and clean energy jobs. The basic proposition of Community Choice is that a well-designed program can combine new renewable energy generation and demand-reduction resources to develop an efficient local decentralized energy system."

We amplified our concerns over the absence of CCA from the County's Climate Action Plan in a *Tribune* Viewpoint ("A tool for local energy choice," June 3), noting that the Community Choice Act, which became state law in 2002, "gives local governments the opportunity to take a major role in achieving the state's clean energy and climate protection mandates," and that Marin County's CCA has been a smashing success since its implementation last year.

After receiving public comments, County Planning staff made their first presentation of the revised Climate Action Plan to the Planning Commission on September 8. Community Choice was now present, on page 22 of Chapter 5 of the CAP:



Getting there CCA is in the County's Climate Action Plan-- unless a certain investor-owned utility wants it out.

Consider developing a Community Choice Aggregation program with the incorporated cities in San Luis Obispo County to procure up to 50% of the region's electricity use from renewable resources by 2020.

This has the potential to be, by far, the most important element of the Climate Action Plan. By investing in locally generated electricity, energy efficiency upgrade programs (which reduce ratepayer bills), and developing projects that reduce greenhouse gases, a Community Choice program creates clean energy jobs and healthier communities.

As the SF Local Clean Energy Alliance notes: "This system can provide lower electricity costs, higher rate stability, and more and faster reduction in greenhouse gas emissions than what is provided by investor-owned utilities. Furthermore, the development of these local assets involves local investments that bring economic development and clean energy jobs to the community. Because the Community Choice administrative authority is a local non-profit entity, it does not pull wealth out of the community to pay shareholder dividends or rich executive salaries. Rather it develops assets that bring wealth to the community, which dramatically increases the economic and job creation benefits of the program."

So guess who really hates Community Choice?

If you said "investor-owned utilities," you've been paying attention.

Enter the dragon

While the appearance of the words "Consider developing a Community Choice Aggregation program" may not seem like much of an achievement, it is. It is also a fragile one that could be strangled in the cradle. Therein lies a tale.

Early in 2007, the Santa Lucia Chapter co-founded a local stakeholder coalition call the Strategic Energy Alliance for Change. SEA Change included representatives of local government, environmental groups, a local bank, Cal Poly, the Air Pollution Control District, the Home Builders Association, and, of course, our local energy provider, PG&E.

The impetus for the coalition's founding was a well-attended public meeting the Chapter had hosted the year before along with a dozen other local groups, a Smart Energy Solu-

tions Summit that featured as its keynote address a presentation on Community Choice Aggregation by Paul Fenn, the author of AB 117, the bill that made CCA's possible in California. It marked the first time most of the attendees, or any citizens of SLO County, had heard of Community Choice, and from the feedback we received afterward, it was by far the most remarked on and exciting component of the event.

Formed out of the steering committee for that 2006 event, SEA Change proceeded in August 2007 to organize a two-day regional energy planning conference on the campus of Cal Poly. It was attended by some 100 elected officials, city managers, senior staff and community leaders who came together to advance the cause of regional energy planning. Included among them was the development director for Marin County, who spoke at length on his county's plans to implement CCA as "the most promising thing we have in Marin to really increase our use of renewables."

In the first meeting of our coalition after that event, the PG&E representative, who had been rather disengaged up to that point, became vocally disruptive, vehemently complaining that she had somehow not been kept informed or allowed to fully participate in the planning of the conference or been made fully aware of the conference agenda. She insisted that CCA never again be a topic at any future public meeting sponsored by SEA Change, and that the formation of a CCA be eliminated as a policy goal of the coalition.

In order to keep the group together – Coalition Maintenance 101 – PG&E's wishes were accommodated. From that day forward, CCA was never again discussed at any coalition meeting, and was never allowed to be a topic at a sponsored event, let alone advocated as a means by which our community can choose our own electric provider and sources of electricity.

Let's underscore this point: the existence of a state law, passed with the intention of allowing communities like ours to increase the amount of renewable energy produced in California and achieve statewide emission reduction goals, could not be mentioned. Uttering the words "CCA," "Community Choice," or "AB 117" was forbidden by PG&E.

At the PG&E rep's behest, SEA Change then spent the better part of a year absorbed in a tortuous line-by-line revision of its bylaws and mission statement. SEA Change slowly slipped

beneath the waves. It has done little since.

You gotta fight

Our community's experience with PG&E's efforts to suppress Community Choice is trivial compared to the aggressive, expensive campaigns that have been waged in other municipalities and have stopped Community Choice programs from forming. The 2010 crash-&-burn of the PG&E-backed Proposition 16, aimed directly at Community Choice, was the most public example of the raw power PG&E is willing to exert – nearly \$50 million in that case — to stop Community Choice (see "The Useful Death of Prop. 16," Jul/Aug. 2010).

On the legislative front, Assembly Bill 976 – opposed by Sierra Club California, Marin Energy

Authority and the California Public Utilities Commission — is scheduled to be taken up in Sacramento's next legislative session. It would prohibit an entity that has been awarded a consulting contract for the formation of a CCA from receiving a contract for any future work that is a product of that contract.

Paul Fenn has written of AB 976: "Whereas Prop 16 required supermajority support for a municipality to even investigate CCA, AB 976 would now propose to criminalize the companies that work for CCAs. Failing to win public approval of the

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state to police local governments who dare implement the 2002 CCA law, PG&E's handlers now shuffle forward a bill and ask the legislature to criminalize the firms that work with local governments. [But] PG&E has no such requirements. Energy monopolies are quietly left out of AB 976. PG&E can continue to consult with the local governments in its service territory on any energy or energy efficiency programs they have or want to have, but also control the electricity services that are physically provided for all of Northern California, [services] they have controlled for a century."

Fenn also noted that "unlike municipalities, which are elected and transparent, California's electricity monopolies have closed meetings and are Wall Street oriented."

There is also good news from Sacramento for CCAs: As we go to press, California Senate Bill 790, removing undue barriers and excessive burdens on communities who want to implement Community Choice programs, has passed the Senate and Assembly with strong, bipartisan support and is awaiting Governor Brown's signature.

All of the above, and then some, is the context in which the words "Consider developing a Community Choice Aggregation program with the incorporated cities in San Luis Obispo County to procure up to 50% of the region's electricity use from renewable resources by 2020" came to appear in San Luis Obispo's Climate Action Plan.

Now that you know, be sure to let your County Supervisor know this is something you want to see happen, and that you expect him to fight for it when he has to.

Rising Tide

It's time for action from California on sea level rise

In a new draft strategic plan, the California Ocean Protection Council (OPC) has worked hard to identify critical issues. However, two issues require OPC's immediate attention: the protection of tidal wetlands from sea level rise, and ocean desalination/once-through cooling.

Wetlands are vulnerable

The protection of tidal wetlands is not adequately addressed in the OPC's draft strategic plan. On page 19 of the plan it states: "We decided not to address how tidal wetlands will evolve with Sea Level Rise, since this issue is being addressed by other state agencies and regional collaborative."

However, the OPC is tasked by the California Adaptation Strategy to develop "Decision Guidance," which includes allowing "continuation of important natural processes...and avoid any impacts to neighboring habitats or structures." Because there is a need for policy to protect tidal wetlands from sea-level rise and because the OPC was tasked to develop "Decision Guidance" to provide protection for neighboring habitat, we are calling on the OPC to accept responsibility for a sea level rise policy for tidal wetlands in its strategic plan.

Cool and salty

Numerous ocean desalination project proponents are applying for permits right now. Currently, there is no clear state guidance on the siting and

design of the facilities, nor on the technology required to protect marine life from deadly ocean water intakes.

The OPC played a critical role in coordinating several agencies to ensure that coastal power plants could be modernized with cooling technologies that eliminated marine life mortality from "once-through cooling" (OTC). These antiquated systems have already been proven to cause significant harm to marine ecosystems.

Practices for withdrawing seawater from sub-seafloor intakes have been identified as a feasible way to avoid the marine life mortality from "open-ocean intakes" for desalination projects. However, if ocean desalination facilities perpetuate the use of open-ocean intakes, it would undermine the purpose of OPC's past Resolution on once-through cooling and the work by numerous state agencies to protect marine life from this outdated and highly destructive technology.

We encourage the OPC to immediately undertake work to protect our coast and ocean from proposed ocean desalination facilities.

We are urging the OPC to adopt a Strategic Plan that reflects its commitment to protect our coast and ocean from desalination facilities, consistent with its related work on once-through cooling facilities.

You can do the same at opc.comments@scc.ca.gov.

Taking Issue

problematic environmental coverage & commentary in our local media

“California Democrats scramble on economy,” by Dan Walters, *The Tribune*, Sept. 6, 2011
“Dark side to liberal government,” by Dan Walters, *The Tribune*, Sept. 7, 2011

SB 292 and AB 900 were being jammed through the legislature as Walters wrote, granting environmental exemptions for Anschutz Entertainment Group’s (AEG) proposed downtown L.A. NFL stadium -- like the “one time only” exemption granted to billionaire developer Ed Roski’s proposed NFL stadium in the City of Industry -- and making it much harder for small groups and individuals protesting such projects to protect their communities and get their day in court under the California Environmental Quality Act (CEQA), our bedrock environmental law.

Business would like to have something like what developers of a proposed professional football arena in downtown Los Angeles are seeking as the 2011 legislative agenda grinds toward adjournment next week -- a much streamlined CEQA review process to reduce delays.

This is the opening of Walters’ argument that lobbyists spend millions on politicians in order to gain special favors and regulatory loopholes that can mean billions of dollars in profit for their industries. Therefore, a regulatory system is an invitation to corruption. In this argument, corruption is not due to the corrupt nature of those doing the corrupting, but to the existence of regulations. The reader can only assume that Walters means to contrast this with the pure, corruption-free activities of a time when government regulation of industry was non-existent. (See: *Gilded Age*, robber barons, and *The Jungle*, by Sinclair Lewis).

[Liberal government’s] regulations and taxation have great financial impact, creating an incentive to reshape public policies for private gain.

Now the developers of a rival arena project in downtown Los Angeles are seeking special CEQA treatment -- a speeded-up judicial review process. Industry will oppose the measure.

Say what? See Walters’ column of the previous day, wherein the bill bestowing CEQA exemption on the AEG stadium, SB 292, was part of

the approvingly noted “much streamlined CEQA review process to reduce delays” that “business would like to have.” *L.A. Times* columnist Michael Hiltzik cleared up Walters’ confusion: “On the reasoning that what’s good for the AEG goose is good for the entire development business gaggle, the Legislature promptly passed yet another environmental exemption [AB 900], this time a gift so open-ended that no one has any idea how many big construction projects will be shaded beneath its capacious boughs.... ‘You didn’t have to wait very long to see the domino effect’ of the AEG bill, Bruce Reznik, executive director of the Sacramento-based Planning and Conservation League, told me. ‘It happened in 24 hours.’” (“California special exemption for NFL stadium plan not so special,” *L.A. Times*, Sept. 13, 2011).

Walters’ either/or is false: a law is not equivalent to the distortions of that law’s original purpose that lobbyists and “business friendly” lawmakers may subsequently seek to inflict on it. Walters again signals his support for passage of AB 900 and completes his attempt to confuse the wording and intent of a law with the subsequent efforts of loophole peddlers. The success of lobbyists in finding obliging legislators to carve special-interest loopholes out of CEQA does not make it CEQA’s fault that not everyone is able to do so. Nor does this provide evidence or otherwise imply that CEQA is “too onerous” and therefore “should be changed.”

If CEQA is a good law, it should be good for everyone, not just those who lack the political clout to gain some relief from its restrictions and requirements. And if CEQA is too onerous, it should be changed, not merely riddled with special-interest loopholes.

California remains mired in its worst recession since the Great Depression...with a drumbeat of complaints from business that it’s hostile to job-creating investment.

The “business hostile” drumbeat is an old song in the corporate refrain that has been seeking any pretext to shoot down California’s environmental protections for the last 30 years. The same argument was tried

against AB 32, the Global Warming Solutions Act, complete with bogus study citing economic losses if the bill passed. (The California Air Resources Board found that implementing AB 32 will have no significant effect on California’s economic growth.) The “business hostile” drum beaters have recently pointed to the economic expansion in business-friendly, unregulated Texas (with the worst air quality in the nation) as an object lesson for California, without mentioning that this expansion is largely a factor of Texas’ higher migration and population growth rate, or that from 2002-2009 California outpaced Texas’ per capita gross domestic product by a factor of four. The relentless assault on CEQA is cut from the same fact-challenged cloth.



However, environmental groups oppose any major CEQA changes. It was one impediment to a bipartisan budget deal, and it’s also a big hurdle for a football-stadium deal.

Let’s note the spin put on the real impediment to a bipartisan budget deal: attempted legislative extortion by Assembly Republicans, who routinely demand unrelated environmental

rollbacks in exchange for their votes on budget bills. Walters here is stumping for passage of AB 900, the last-minute CEQA “reform” bill, crafted to give special treatment to big developers, disenfranchise communities, and attack environmental protections. The bill, shoved through the legislature in the closing hours of the session, will short-circuit full environmental review on several types of large development projects, including sports stadiums.

That bill was SB 469 -- requiring economic impact reports for super stores, meaning Wal-Mart must assess its potential impacts on retail operations and employment in the community. Walters says this is contrary to CEQA “reform,” but does not clarify how requiring an assessment of a super store’s economic impacts on local businesses would be bad for business. As the American Federation of State, County, and Municipal Employees put it in supporting the bill, “There is no down side to increased information and well-informed decision making.” The legislature agreed, and it passed.

Ironically, as Steinberg and his Assembly counterpart, Speaker John A. Perez, were pledging regulatory reform on the third floor of the Capitol, two floors below, the Assembly was taking up a bill, backed by unions and opposed by business, that would expand CEQA’s reach by imposing new conditions on “super stores” such as Wal-Mart’s.

Upshot: CEQA is a vital process that provides information about projects to decision makers and community members so they can ensure communities are provided important benefits promised and avoid unintended impacts. Communities support sustainable economic development. Hiding behind the pretense of job creation, without evidence that those jobs will ever come, the measures to “reform” CEQA have invariably created different standards for the protections of CEQA. Dan Walters, who presents himself as an impartial, nonpartisan watchdog on the workings of state government, here used two columns to lobby for the passage of AB 900, the CEQA “reform” bill written to weaken the law’s environmental protections, pushed through in the closing hours of the legislative session. Due to its timing, the bill had no chance of meaningful public participation, a tactic that often results in lawmakers approving legislation without even seeing final versions of the bill.

The Tribune, which normally prints Walters’ column once a week, felt these two installments merited back-to-back publication just before that vote was taken. Two days later, Walters wrote a column in which he professed himself to be “appalled at how the Legislature ignores its own rules and common sense as it enacts potentially far-reaching legislation in the session’s final hours, mostly to benefit those with political pull.” He clarified that he was referring to two bills in particular: one “allowing unionization of child-care workers and another to force local governments to sign ‘project labor agreements’ on public works projects.” Walters solemnly concluded: “It’s a lousy way to make public policy and we are all losers because of it.”



Bags away A pile of plastic bags for demonstration purposes (left) Bill Worrell, Manager of the Integrated Waste Management Authority (center) and CoastKeeper intern Shannon Diaz (right) at the Sept. 6 single-use bag ordinance study session of the SLO City Council. The IWMA has achieved a waste recycling rate of 69 percent.

Bag

continued from page 1

reusable bag. The California Grocer's Association pointed out that a point-of-purchase "reusable" paper bag is likely to be reused perhaps two or three times, and would be unlikely to withstand greater use.

The board weighed options presented by three different versions of the ordinance. After hearing public testimony overwhelmingly in favor of a version that would have the maximum environmental benefits, the board agreed. They told staff to come back with an ordinance that goes into effect on September 1, 2012 -- no phase-in -- for all retail stores over 10,000 square feet, supermarkets, pharmacies and convenience stores in the county and charges 10 cents per bag for shoppers who don't bring their own. Staff must refine definitions of "reusable," "recyclable," and "single-use paper and plastic bag."

The ban will apply only to the checkout "paper-or-plastic?" bags, not to the sale of trash bags or availability of thin film bags used for meat and produce.

At the meeting, the inevitable forces of reactionary push-back were represented by a letter from none other than Grover Norquist, reaching into SLO County government affairs all the way from Americans for Tax Reform headquarters in Alexandria, Virginia. Norquist wrote to regale IWMA board president and county supervisor Jim Patterson with misinformation about reusable and plastic bags. Carrying that torch in person was Paul Brown of the Coalition of Agriculture, Labor and Business (COLAB), whose testimony was notable in that it put on display

the position of an alleged business coalition in staunch opposition to an ordinance of which actual business-people (the California Grocers Association, James Spencer of Spencer's Fresh Markets, et al) spoke in favor.

Brown warned that the proposed ordinance is an "attempt to change human behavior by sanctions or incentives." Atascadero government watchdog David Broadwater shot back, "Yes it would, and since we're adults we should be able to change our behavior."

Earlier that week, Keep Bags Free SLO mounted a protest outside Food 4 Less. Keep Bags Free SLO, as *The Tribune* helpfully noted, is "sponsored by the Progressive Bag Affiliates of the American Chemistry Council," a trade association representing manufacturers which is fighting plastic bag ordinances nationwide. The American Chemistry Council spent more than \$2 million on lobbying in 2003, the year after it merged with the American Plastics Council. It persuaded the California State Board of Education to rewrite environmental textbooks and teacher's guides to include positive statements about plastic grocery bags, and funded a study warning of the supposed horrors of the bacterial contamination presented by reusable bags (cited by Norquist in his letter). It did not mention that that study was subsequently debunked by *Consumer Reports*.

As the Chemistry Council's local front group, Keep Bags Free SLO is running online ads against the ordinance, carrying water for the greater profit of the plastics industry but couching their complaint in the language of outrage at a supposedly unbearable economic burden being imposed on consumers.

TAKE ACTION

1:30 p.m., Nov. 9, SLO County Government Center, Monterey Street, SLO. The IWMA board will hear the first reading of the ordinance. Come and show your support, strike a blow for environmental sanity, and tell Grover Norquist and the American Chemistry Council that their writ don't run in San Luis Obispo.



Really not a problem John Spencer (right) of Spencer's Fresh Markets asked the IRWM board to select the strongest single-use bag ordinance among the options before them.

Spill

continued from page 1

ing concerns about the situation but received no reply. We suggested that inspection of a three-mile section of the archaic line near the Dana Adobe that runs alongside Nipomo Creek in the railroad right-of-way, which appears to be its most accessible point, should be required by the board. This would give them a good idea of the likelihood of other leaks on this line and all transfer lines of similar vintage that cross our watersheds.

In his testimony, Christie pointed out the length of time this particular

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"revealed the presence of petroleum hydrocarbons in the soil, attributed to an 8-inch pipeline taken out of service by Unocal in the early 1990s," as reported by the *Santa Maria Sun*.)

It may have helped that two days before the Regional Water Board meeting, the National Transportation Safety Board had released its "litany of failures" report on the San Bruno gas pipeline explosion. It was a scathing indictment of PG&E and, by extension, the California Public Utilities Commission, which was found to have missed multiple opportunities to find the defective pipe. As reported by the *Santa Cruz Sentinel*, "the NTSB detailed how poor pipeline welds went undetected

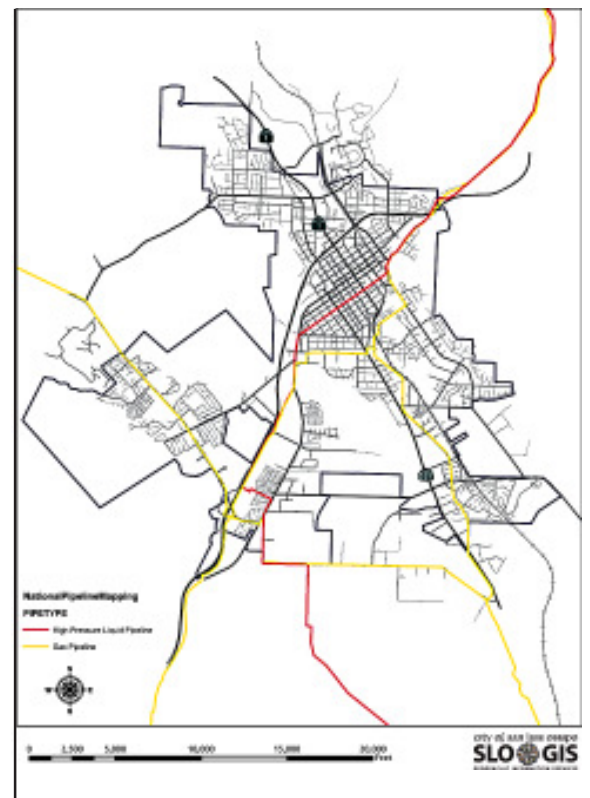


It came from Nipomo Creek Lumps of weathered crude oil (above) that leaked from an unmonitored Conoco/Phillips pipeline, part of a web of oil transfer lines criss-crossing the watershed (below: SLO) that the Water Board now wants to take a closer look at.

leak went undiscovered as it grew, and the additional years that elapsed before that discovery became public knowledge and came before the Water Board, as all the while the oil-impacted soils were approaching the floor of an eroding creek bed. He said that this case seemed to be the appropriate moment for the board to determine if it has a larger problem on its hands and begin to explore the potential extent of petroleum hydrocarbon pollution from abandoned oil transfer lines in the central coast region.

The Water Board agreed. Board member Monica Hunter asked if there was any way to take a closer look at inactive historic lines in the future. The board decided to put an inactive oil transfer line monitoring program on its list of priorities and directed staff to consult with Conoco on the details of its pipeline decommissioning procedure, what exactly is going on with its historic lines, and what, if anything, it is doing about the problem. Staff was directed to report back to the board in December.

(Water Board staff said they didn't know if the oil had come from the active Conoco oil line or the 8-inch decommissioned Unocal line next to the creek. But an investigation of another historical leak just down the creek left no doubts on this point. An August 2010 report by the Terra Pacific engineering firm on a sub-surface investigation of the site



because of a lack of inspections and inadequate monitoring by regulators. The result was the fireball last Sept. 9 that killed eight people and destroyed 38 homes. One board member described a 'failure of the entire system ... that should have prevented this disaster.'"

Crude oil does not explode. But its ability to inflict silent, slow-motion, long-term disaster is well established. We trust the lesson of San Bruno's uninspected, unmonitored pipes and the permanently blackened reputation of PG&E will not be lost on Conoco/Phillips, and that the Regional Water Quality Control Board will keep uppermost in mind the failure of the responsible regulatory agency in that case to identify and head off a problem before it turned into a calamity.

Classifieds

Next issue deadline is **October 13**. To get a rate sheet or submit your ad and payment, contact:

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Outings and Activities Calendar

Seller of travel registration information: CST 2087766-40. Registration as a seller of travel does not constitute approval by the State of California.

All our hikes and activities are open to all Club members and the general public. Please bring drinking water to all outings and optionally a lunch. Sturdy footwear is recommended. All phone numbers listed are within area code 805 unless otherwise noted. Pets are generally not allowed. A parent or responsible adult must accompany children under the age of 18. If you have any suggestions for hikes or outdoor activities, questions about the Chapter's outing policies, or would like to be an outings leader, call Outings Chair Joe Morris, 772-1875. For information on a specific outing, please call the listed outing leader.

Sat, Oct. 8th, 8:30 a.m. Gaviota Peak or Bust Hike Explore a portion of the Gaviota coast in climb of 2,458' Gaviota Peak along Hwy 101. Strenuous 6.5 miles., 2400 ft. gain, along fire road ending with great views of the coast at the top. Bring plenty of water, snack, lunch, and dress for the weather. Shorts OK; minimal poison oak on trail. Meet at Arroyo Grande Park 'n Ride at Halcyon exit of Hwy 101, an hour drive to trailhead from there. Possible eats in Los Alamos after. Info: Gary Felsman, 473-3694.

Fri., Oct. 14th, 12 noon. City Walk: The Mill St. Historic District. An easy, guided stroll through neighborhood of splendid century-old homes to reveal SLO in the era of Hearst, WW I, and the twenties. Learn the stories of the rich and not-so-famous who shaped the city of today. Time about 1 1/2 hours. Meet at corner of Monterey and Johnson Sts., SLO. Info.: Joe Morris, 772-1875.

Sun, Oct 16, Junipero Serra Loop Hike. For adventurous and determined hikers seeking a unique Ventana experience, we will climb iconic Junipero Serra Peak by an off-trail loop route instead of the usual out-and-back trail hike. Starting from an old ranch gravesite, -½ mile of medium bushwhacking up a steep slope gets us to jeep road, which we follow up the ridge to Junipero Serra Peak. We return first via the usual trail and then to the old Indians station, where we'll visit its historic adobe, and then complete the loop. Grand views, including Cone and Pinyon Peaks. A very strenuous day hike leaving Monterey in the very early a.m. and returning after dark. 14 miles with 4600' elevation gain. Not for beginners. Must call leader for meeting time and place. Jack

Glendening, 831-484-6929. (Ventana Chapter of Sierra Club).

Sat., October 22nd, 9:00 AM. Bishop Peak Hike via Felsman Loop. Meet at Patricia Drive trailhead for hike around Felsman Loop and then to top of Bishop Peak. The trail is 5.5 miles and will take 2.5 – 3 hours. There are rough areas on the trail and appropriate hiking footwear is recommended. We will go at a moderate pace and while there is significant elevation change, the trail inclines are mostly gentle. Enjoy views of most of SLO. Info.: Mike Sims, 459-1701 or email msims@slonet.org.

Sat., Oct. 22nd, 9 a.m., Cerro Alto Loop Trail, Hwy 41 between Morro Bay and Atascadero. This hike is a great way to stay in shape. Walk to the top of Cerro Alto, one of the best places to view the Central Coast. The hike begins at Cerro Alto Campground off of Hwy 41 and climbs up coastal hills for spectacular views. Total distance 6 miles, elevation gain 1,600 feet, hike time 4 hours. Meet at trailhead off of Hwy 41, 8.7 miles west of Hwy 101 or 7.0 miles east of Hwy 1. Meet at end of campground road in parking area. \$5 (cash) fee charged for parking. Bring adequate water, snacks, and dress in layers for the weather; hat and sturdy shoes are advised. For info, call Bill at (805) 459-2103, bill.waycott@gmail.com. The plants, animals, and the geology of the area will be topics during the hike.

Fri.-Sun., Oct. 28-30, Death Valley Service Trip. Wilderness restoration in a beautiful and remote National Park. On Friday, help install wilderness boundary signs in Salsberry Pass on Park's southern border. Saturday, work on hiking trail in Cottonwood Canyon near Stovepipe Wells.

Primitive camping in Cottonwood Canyon, Friday and Saturday nights. Sunday, a ranger-guided hike through narrows of Marble Canyon, which will include a trip to the petroglyphs. Need moderate to high clearance vehicle. Leader: Kate Allen, kj.allen96@gmail.com, 661-944-4056. CNRCC/Desert Committee.

Sat., Oct. 29th, 10 a.m. Reservoir Canyon Hike. Easy guided 3-mile hike of canyon on N. outskirts of SLO—an 80-acre area great for birding around wetland pond and filled with native flora and fauna. Will introduce you to characteristics of native plants and wonders of wetlands. Duration about 2 hrs. Rain cancels. Suggest bringing binoculars, sunglasses, jacket, and water. Take Hwy 101 north, exit Reservoir Canyon Rd. Turn right and drive to end of dirt road. Meet at trailhead. Info: Victoria Carranza, 459-6752. Asst.: Joe Morris, 772-1875.

Sat.-Sun., Oct 29-30, Ghost Town Extravaganza. Spend Halloween weekend visiting the ghosts of California's colorful past. Visit this eerie desert landscape near Death Valley; camp at historic ghost town of Ballarat (flush toilets & hot showers). On Sat, challenging hike to ghost town of Lookout City with historian Hal Fowler's tales of this wild west town. Return to camp for Happy Hour and potluck feast, followed by a midnight visit to Ballarat's graveyard. On Sun, visit the infamous Riley townsite. Group size strictly limited. Send \$8 per person (Sierra Club), 2 SASE, H&W phones, email, rideshare



This is a partial listing of Outings offered by our chapter. Please check the web page www.santalucia.sierraclub.org for the most up-to-date listing of activities.

info to Ldr: Lygeia Gerard, P.O. Box 294726, Phelan, CA 92329, 760-868-2179. CNRCC/Desert Committee.

Sat.-Sun., Oct 29-30, Rock Art In Eastern California. This outing visits four different petroglyph sites. On Saturday, we visit sites in the southern Owens Valley area bordering the Coso Mountains, and on Sunday to the famous sites in China Lake Naval Weapons Center. Government restrictions apply on the weapons center, and all arrangements and confirmations must be completed by October 10. High clearance 2WD sufficient. Group limit, 12 participants, Contact leader Craig Deutsche for further information. (310-477-6670, craig.deutsche@gmail.com).

Outings Sponsored by other organizations

Sweet Springs Nature Preserve. The Audubon Society, which manages Sweet Springs Nature Preserve in Los Osos, has received a grant to work on pathways and restoration. Volunteers are needed on the second Saturday of the month from 9-12 to help with watering, weeding, planting, etc. More info at www.morro.coastaudubon.org.

October 8-9, Sat-Sun. Mojave National Preserve Work Party. Join with members of Mojave National Preserve Conservancy and National Park Service to remove barbed-wire fence from the Preserve. Meet in the Kelso Depot parking lot at 9 a.m. on Saturday for the day's work, or stay Friday night at the group campground. A Sunday morning project is possible with sufficient interest. Bring leather work gloves, water, sun screen, hat, and lunch. Layers of clothing are best, as temperatures can be unpredictable. Tools will be provided. The group campground at Hole-In-The-Wall (with water and vault toilets) is reserved for Friday and Saturday nights. Sturdy tents with strong stakes are advisable in case of high winds. Directions are available at www.nps.gov/moja/index.htm. Contact Sid Silliman at gssilliman@csupomona.edu regarding safety precautions for the weekend and to RSVP. Mojave National Preserve Conservancy.

Ventana Wilderness Alliance Trail Crew Opportunities

Trail Crew Volunteers needed for work in Ventana and Silverpeak Wilderness Areas. Information: Dave Knapp, Trail Crew Leader at e-mail daveknapp@ventanawild.org.

Healthy Communities Month

14th Annual Fun Run 10/8, City to Sea Half Marathon 10/9, SLO Gran Fondo 10/15, Central Coast US Green Building Council meeting 10/21... and much more. Visit www.healslo.com for full calendar of events.

Island Hopping in Channel Islands National Park

Reserve early!

October 16-18, California's Channel Islands are Galapagos USA! Marvel at the sight of whales, seals, sea lions, rare birds & blazing wildflowers. Hike the wild, windswept trails. Kayak the rugged coastline. Snorkel in pristine waters. Discover remnants of the Chumash people who lived on these islands for thousands of years. Or just relax at sea. These fundraisers benefit Sierra Club political programs in California. Cruises depart from Santa Barbara aboard the 68' *Truth*. The fee (\$590 for May and Sept & Oct.; \$785 for July & August) includes an assigned bunk, all meals, snacks & beverages, plus the services of a ranger/naturalist who will travel with us to lead hikes on each island and point out interesting features. To make a reservation mail a \$100 check payable to Sierra Club to leaders: Joan Jones Holtz & Don Holtz, 11826 The Wye St, El Monte, CA 91732. Contact leaders for more information (626-443-0706; jholtzhln@aol.com).

